

# NEW JERSEY MILITIA NEWSLETTER

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## LEGAL FIREARMS FOR "PROHIBITED PERSONS"

By Mike Crooker

[Editor's note: With the government, courts and law enforcement looking for more and more excuses to grab your guns, the following article may prove useful. At any time, any of us could find ourselves a "prohibited person," someone who has committed a "crime" that would prohibit him or her from ever owning a firearm. A lawyer here in N.J. who specializes in firearms cases tells the story about a husband who, during a "domestic dispute," threw some pretzels at his wife. She called 911; the police came to the house; his firearms were confiscated, and he is now a "prohibited person." Also, consider the following Alcohol, Tobacco and Firearms press release of June 30, 1998, concerning PL 104-208:

[Summary: This temporary rule implements the provisions of Public Law 104-208, the Omnibus Consolidated Appropriations Act of 1997, which amended the Gun Control Act of 1968. Specifically, the new law makes it unlawful for individuals who have been convicted of a "misdemeanor crime of domestic violence" to ship, transport, receive or possess firearms and ammunition, and prohibits sales or other dispositions of firearms and ammunition to such individuals. Further, the law requires individuals acquiring handguns from Federal firearms licensees under the Brady Law to certify that they have not been convicted of such a crime." The full text can be found at: <http://www.jya.com/atf063098.txt>].

### INTRODUCTION

Unknown to most persons, except lawyers and those ATF victims incarcerated in Federal prison, it is a federal crime for the following nine categories of persons to possess firearms: persons who have been convicted of a crime potentially punishable by more than a year in jail (a bad check conviction 40 years ago can suffice), fugitives, users of drugs or marijuana, mental defectives, illegal aliens, dishonorable discharges, renouncers of citizenship, those subject to domestic restraining orders and those convicted of misdemeanor domestic crimes of violence (threatening your wife 20 years ago can

be enough). Title 18, U.S. Code, Sections 922 (g) and 924 (e) mandate a penalty of up to 10 years, and in the case of persons previously convicted three or more times of drug crimes and certain others, a mandatory 15 years to life without parole. (Someone 50 years old convicted at age 19 of, say, three pot sales; thereafter a model citizen, caught with a gun hunting ducks 30 years later is an Armed Career Criminal subject to the enhanced 15 years to life). Any person purchasing a modern handgun, rifle, or shotgun from a retailer must sign an ATF Form 4473 swearing that he is not in one of these categories. Lying constitutes yet another federal crime.

There must be millions of Americans that fit one of the above prohibited categories. There are also over 10,000 such persons in Federal prison for illegal gun possession including more than 2,000 serving enhanced 15-to-life terms. Horror stories abound and I can think of two published decisions off the top of my head where persons were sentenced to 15-to-life: A duck hunter caught in hip-waders with duck decoys and a shotgun, and a man caught with a model 1908 Colt .25 caliber automatic pistol with no ammo, no clip, no grips, and the slide rusted closed.

### ANTIQUE FIREARMS EXCEPTION

Federal law exempts antique firearms from all gun controls. Title 18, U.S. Code, Sec. 921 (a) (16) defines antique firearms as all guns made prior to 1899 as well as all muzzleloaders made anytime, and replicas of pre-1899 cartridge-firing guns made anytime, provided that such a replica uses cartridges "not readily available in the ordinary channels of commercial trade." (Note: Cartridge-firing machine guns and short barreled shotguns are still illegal regardless of when made under Sec. 5861 of the IRS Code, Title 26, U.S. Code).

### MUZZLELOADERS

Muzzleloaders (so-called black powder guns loaded from the end where the bullet exits) are

legal, whether original or replica, regardless of the date of manufacture. You can buy them mail-order. The most practical for self-defense are the so-called cap & ball revolvers first made in 1840 and used by Wyatt Earp and other gunslingers of the West. Numerous companies make and sell replicas of these six-shooters. Many can be had for \$100 or slightly less. A good choice would be the .44 cal. model 1860 Army. To use them you need powder, lead balls, wads, and percussion caps, all readily available in gun shops and sporting good stores.

[Editor's note: Samuel Colt's favorite revolver, as well as Wild Bill Hickcock's, was the 1851 Navy Colt, .36 cal. Many black powder shooters prefer the 1858 Remington .44 cal. for its ease of cleaning and maintenance. Also, consider using Pyrodex, an imitation black powder. Less smoke, burns cleaner and adds more 'snap' to the recoil, much like a modern cartridge.]

### CARTRIDGE FIRING-REVOLVERS

Between 1858 and 1898 millions of cartridge-firing guns were made by Smith & Wesson, Colt, Iver Johnson, Remington and numerous others in such calibers as .22, .32, .38, .44, .45 and many dozens of others. Believe it or not, these original guns (totally exempt from federal gun controls) are so abundant that they can be had for \$150 or less at any of the dozens of gun shows held around the country from coast to coast any given weekend. At nearly any gun show you can pick up a very workable .32 or .38 S&W revolver, a 12 gauge double barrel shotgun, a 7mm German Mauser bolt action military rifle, and many others for less than \$150, all made prior to 1899 and legal for anyone to possess.

### REPLICAS OF CARTRIDGE GUNS

This third antique category will not be dealt with in this article simply because this author does not know of any modern replicas of pre-1899 cartridge-firing guns that use ammunition cartridges not readily available in the ordinary channels of commercial trade. ATF claims that they have no list of guns in this category and any request for antiquity



classification of such will be dealt with on a case by case basis.

#### ASCERTAINING ANTIQUE STATUS

Be certain that what you acquire is an exempt antique. Shady gun show vendors will sell you what they swear is an antique shotgun and you get home only to discover a 1902 patent date stamped into it which could subject you to a big headache should you get caught with it and the ATFers find out. This may take research. A good book to have is Flayderman's *Guide to Antique Firearms and their Values*. Its Smith & Wesson section, for example, gives serial number runs along with the manufacture date. Thus for example a .32 S&W Double Action First Model was made in 1880 and had serial numbers 1 to 30; Second Model 1880-82, S/N's 31-22172; Third Model 1882-83, S/N's 22173 to 43405. Therefore any S&W .32 D.A. revolver with S/N's of 43405 or below is a legal antique as it was made between 1880 and 1883. Another example would be the Model 1898 Krag U.S. Military .30 cal. bolt action magazine rifle made between 1898 and 1903, S/N's 110000 to 480000. According to Flayderman's, below S/N 152670 "is considered antique under Federal Firearms Law." Some guns have the manufacture year stamped into the frame (e.g., Model 1895 Mauser 7mm Military bolt action magazine rifles). Flayderman's *Guide* (soft-cover) is available in most gun shops or from DBI Books, Inc., 4092 Commercial Ave., Northbrook, IL 60062. One could always put down a \$20 deposit to hold a gun, then write to ATF's Firearms Technology Branch, 650 Massachusetts Ave., N.W., Washington, D.C. 20226 and ask for a classification decision. If it comes back antique, then buy it; if no, don't. If you don't want the ATF knowing your business you could for a fee, get a decision from any number of antique firearms experts. Smith & Wesson, 2100 Roosevelt Ave., Springfield, MA 01102 will for \$20 give you a letter stating the exact shipping date of any firearm made by them if you provide a description and serial number.

Finally, if you buy a cartridge-firing antique gun by mail-order, you should feel secure that it really is a pre-1899 gun. Mail-order gun dealers are closely watched and if one were selling modern guns to individuals by mail-order, the ATF would quickly shut them down and prosecute them (not so with fly-by-night gun show vendors). Some sources for mail-order antiques are Dennis Fulmer Antique Firearms, P.O. Box 226, Detroit Lakes, MN 56502; N. Flayderman and Co., P.O. Box 2397, Ft. Lauderdale, FL 33303; and Dale C. Anderson, 4 West Confederate Ave., Gettysburg, PA 17325.

#### AMMUNITION FOR CARTRIDGE FIRING ANTIQUES GUNS

This can be a problem. The same statute that outlaws prohibited persons from possessing modern guns also prohibits them from possessing ammunition for them (a guy in New England just got 20 years for the possession of a single 9mm cartridge). The statute and ATF's implementing regulation at Title 27, Code of Federal Regulations, Sec. 178.11 defines ammunition as "ammunition or cartridge cases, primers, bullets or propellant powder designed for use in any firearm other than an antique firearm." For muzzleloaders this is not a problem. That paraphernalia is without question designed for use in none other than antiques, as ATF concedes. But when it comes to ammunition cartridges, even obsolete ones, ATF legal counsel takes the absurd position that "designed for use" really means suitable for use or "useable" in a post-1898 gun subject to ATF controls. This has never been upheld in any published court decision however. Thus for example ATF has administratively ruled that the .50 caliber Remington Army centerfire cartridges designed for use in antique Remington Rolling Block pistols is modern ammunition because it is shootable in currently made Sharps replica rifles chambered for the .50-70 U.S. Military rifle cartridge. Of course that position is ridiculous for pistol cartridges, for they are not "designed for use" in rifles chambered for something different. ATF ruled similarly as to .32 S&W and .38 S&W black-powder-loaded centerfire cartridges. Such ruling has not been tested in court however and again, such custom made black powder cartridges are obviously designed for use in antiques only. Modern revolvers made since 1899 that chamber such cartridges do not use obsolete black powder; hence this writer concludes that they do not constitute ammunition under the federal law definition.

With respect to current factory-made standard rounds loaded with modern smokeless powder such as .22 rimfire, .32 S&W and .38 S&W centerfire, 7mm Mauser, 12 gauge shotgun, 30-40 Krag, etc., all of which are designed to be used in both pre- and post-1898 guns of those calibers, ATF is probably correct. Take standard 30-40 Krag centerfire ammo for example. Currently manufactured by the big ammo makers, it is designed for use in all 30-40 Krag rifles, not just those that are antiques, but also those made between 1899 and 1903.

Obsolete rounds are a different story. There are hundreds of different ones. DBI Books' *Cartridges of the World* (softcover) lists, describes, and gives the history of most of them. This author is currently seeking ATF classification as antique ammunition of about 100 of them. Thus far ATF concedes that prohibited persons may possess .58 U.S. Musket centerfire, .58 Carbine centerfire, and

.43 Egyptian-Remington centerfire because they have been unable in their extensive research to find any post-1899 gun or replica that chamber them. (The latter is used in Remington Rolling Block rifles available for \$175-200 from Sarco, 323 Union St., Sterling, NJ 07980. .43 ammo custom made is available from Buffalo Arms Co., 123 S. Third Ave., Sandpoint, ID 83864.)

Just to get the ATF to concede in writing as to these took a lawsuit as to the .43 Egyptian-Remington and the threat of a lawsuit as to the other two. Regarding the rest of the obsolete calibers, it remains to be seen whether the courts will publish a decision upholding ATF's absurd "usability" interpretation of the phrase "designed for use." It seems doubtful that a federal criminal trial would.

#### A ROUTE AROUND THE AMMUNITION PROBLEM

Although not mentioned earlier to avoid confusing the reader, an essential proof element of the crime of unlawful possession of firearms or ammunition by prohibited persons is the interstate commerce requirement. It must be shown that the possession was "in or affecting commerce." This could be possession during an interstate road trip or on a common carrier such as a train, plane or bus. But 99% of the time ATF proves this element by showing that the gun or ammunition moved interstate after its manufacture. The U.S. Supreme Court has upheld this flimsy concept and if ATF can show that a modern gun was made by Colt Industries in Connecticut and was shipped thereafter to a dealer in Nebraska many years ago, and you get caught with it in 1998 in Nebraska or any state other than Connecticut, then the commerce element has been proven. (The commerce clause is derived from the U.S. Constitution which itself authorizes the Feds to prosecute only four crimes. The clause allows Congress to "regulate commerce between the several states and Indian Territories." Broadly construed by a corrupt Congress and court system, this has enabled them to shove 10,000 federal criminal laws down our throats and expand the four federal crimes to include everything from pot possession to illegal campfires).

Thus one way to legally circumvent federal law is to possess ammunition (or modern firearms for that matter) that has not moved interstate. For those who live in the same states as the big ammo makers, this is not a problem. For those that don't there are still solutions. One is to order up from ATF's Disclosure Branch a computer list of manufacturers. Acquire your ammunition from such an in-state source through an intermediary and be sure to never let it move in interstate commerce.

Another way is to make your own ammunition. There are books on this subject

**"Only in a police state is the job of a policeman easy."**

**—Orson Wells**



such as Duncan Long's *Homemade Ammo* and Roland Brown's *Homemade Guns and Homemade Ammo*. Homemade ammo that has never moved interstate does not violate federal law (unless possessed on a common carrier or during an interstate road trip). Here's how you could make your own 12 gauge shotgun shells. According to ATF Publication P5300.4 the following are excluded from the definition of ammunition or components: shotgun hulls (castings) without primers, lead shot, wads, black powder and blanks. Take the blanks, disassemble them and get the primers, install the primers into the primer-less shotgun hulls, load with black powder, wad, shot and seal the top with glue. Presto. You've just made your own shotgun shells from objects that ATF publications say aren't even ammunition components. Just don't move the finished products interstate or the ATF fanatics will try to claim that you "designed them for use" in modern firearms even though you made them for and are using them in an antique shotgun.

#### STATE LAW

Beware of and research your own state's law. Many states use the federal definition verbatim and exclude antiques. Many do not and count BB guns and marine flare guns as firearms. A call to your state Attorney General's Office or local gun rights organization should clarify the situation. Don't call the police station. They'll lie and claim that just about anything weapon-wise is illegal to have.

#### CONCLUSION

This article has dealt with Federal law and Federal gun control. Research your own state and local law before taking any action. Under federal law you can have a muzzleloader and ammunition for it. Under federal law you can have any cartridge gun made before 1899 except machine-guns or sawed off shotguns. The issue of ammunition for the cartridge guns is a stickier problem and is outlined above. Remember, to be in violation of federal law a firearm or ammunition must be defined in Title 18, U.S. Code, Sec. 921 and Title 27, Code of Federal Regulations, Sec. 178.1, and must have moved in interstate commerce. If it's not a firearm (i.e., is an excluded antique) or if it was homemade or came from an in-state source and never moved interstate, then you can confidently tell the ATF baby burners to go fly a kite. Good luck.

Editor's note: Black powder replicas are still formidable weapons. Any .44 cal. black powder revolver will outperform a .38 Special. The "magnum" of the pre-cartridge era was the .44 cal. Walker Colt. With each chamber holding 55 grains of powder, muzzle velocity is 1205 fps, muzzle energy is 455 foot pounds. If you compare these numbers with a modern cartridge ballistics chart, you'll see that the Walker can still outperform the .45 long Colt, .45 ACP, .44

Special and the 9mm. It was the most powerful revolver in the world from 1847 up until the introduction of the .357 magnum in the 1950s.

Closing Note: Before going to press we had legal expert Mike Brown, author of *Brown's Law Suit Cook Book: How to Sue and Win* and *The Erwin Rommel School of Law*, read this article. He expressed a few concerns: First, make sure P5300.4 mentioned in the article really makes the allowances cited. "If the publication he refers to--ATF Publication P 5300.4--actually exists, I can rearm every ex-con in America before Christmas," said Brown. He also warned about the AFT's tendency to "bend the rules." They're not "people-friendly" and they'll screw you big-time if you give them a chance. We suggest that anyone who falls into a "prohibited person" category obtain a copy of the Gun Control Act of 1968 and double check the laws. --(Thanks, Mike).

### Be One of Those Horrible Survivalists!

by Patricia Neill

For the past few years I've been trying to coax my friends and family into doing some basic survival preparation. Storing food, water, medicines. Getting some books on basic survival and medical training. Just today a friend emailed me that he was going to start. I emailed back saying "TERRIFIC! Here's some good web pages to get you started."

So, folks, here's what I sent my buddy, and I'd love to see everyone becoming more self-reliant and doing what they can to prepare. Git it to it! I can't afford to buy HUGE amounts, so I do the Latter Day Saints thing and buy some extra things every time I go to the store. I buy food (canned goods, peanut butter, sardines, powered milk, applesauce, and whatever is on sale.) These all go onto some shelves in my basement. I also buy items for barter: aspirin and other medicines, soap, toilet paper, nails, needles and thread, batteries, fire starting things, coffee, bleach, sugar, hard candy, shampoo, paper goods, toothpaste--you know, all the stuff we'll all run out of and would DIE to have, even if they are somewhat luxury items. Also, for more on barter see *TEOTWAWKI* by James Rawles. He no longer has the complete novel *Triple Ought* on his web page, but the book is worth every cent in terms of things to know and surviving bad times. See <http://www.teleport.com/~ammon/gn/cover.htm>. Jim is at [rawles@oro.net](mailto:rawles@oro.net)

These web pages should get you started. Food storage is explained really well on the Walton page. Just follow their instructions. Dave's survival center is excellent, as is the Ark page. Tons of info!

Dave's Survival Center  
<http://www.survival-center.com/index.htm>

Ark page [http://www.millennium-ark.net/News\\_Files/Hollys.html](http://www.millennium-ark.net/News_Files/Hollys.html)

Walton's (where you can buy bulk storage foods, grains, garden seeds etc.) <http://www.lis.ab.ca/walton/self/>

Good barter ideas <http://members.aol.com/keningabarbar.htm>

God bless.

### A LESSON TO BE LEARNED

Every militia member or patriot knows the dangers of government surveillance, infiltration, misinformation, planted evidence, entrapment, and a host of other nasty things our beloved public servants resort to when any person or group doesn't indulge them with the same "enthusiasm" that Monica showed the President. They'd like to see all of us wearing 'Federal Knee Pads.'

If you think our government is tightening the screws consider what the IRA has undergone:

*"Britain, with help from its allies, was using the conflict in Northern Ireland as a laboratory. The authorities tested new technologies of repression and control on a large population. They perfected watchtowers built over underground three-story bunkers filled with computers that used sonar and infrared technology to watch people through the walls of their homes. The arrogant British soldiers couldn't resist gloating--they routinely taunted and humiliated Irish women by describing the undergarments the women were wearing. Keep this in mind the next time you hear a snooty British prime minister on TV waxing eloquent about principles. The fact that the IRA was able to operate in such an environment is testament to their countersurveillance and insurgency skills."* --Lee Adams, Spycounterspy web page

The politics of the IRA, whether you agree with them or not, is not the issue here. The point is that they survive and still conduct their "business" despite a level of government surveillance and oppression that would overwhelm most America militias.

Our militias are not in the same situation as the IRA--for the present, but we're headed in that direction. Whatever "countersurveillance and insurgency skills" the IRA has mastered over the years, it would be wise on our part to study and copy their expertise, especially considering the fact that their skills have been passed down from father to son for generations.

What we have in America today are first-generation militias, we're new at this. The Irish on the other hand are not and they should serve as our mentors. They're the best in the world at surviving government surveillance.

### LIBERAL IDEOLOGY AT ITS BEST

For those of us who are of a conservative or patriotic mind-set, liberals have a funny way of thinking. Their logic, if you can call it that, at



times seem befuddled, if not bizarre. And one particularly bizarre aspect of liberal thinking is blaming other people for what someone else is responsible for.

Case in point: Anthropologist J. Keith Akins spent three years with a militia (and other groups) in preparation for his doctoral dissertation. Akins is (supposedly) no dummy. He has earned degrees in history and psychology at Florida State University and holds a masters degree in anthropology.

Despite his education, read what he had to say about the Oklahoma City bombing: *"The people who should have gone to prison were not Tim McVeigh or Terry Nichols. The people who should have been held responsible for that were Pat Robertson, Newt Gingrich, Jesse Helms and Rush Limbaugh and everyone else who has gone before the American public and said it is a good and righteous thing to crush diversity."*

Where's the logic in this statement? Where's the reasoning? For that matter, where's the truth? When did the four above mentioned individuals ever say *"...it's a good and righteous thing to crush diversity?"* When a liberal disagrees with a conservative policy, it's called a disagreement. When a conservative disagrees with a liberal policy, it's termed an incitement to riot with murderous consequences. Akins said, *"...the side effect of their rhetoric inspired acts of violence and divisiveness."* What Akins is saying is that if conservatives would keep their mouths shut and allow liberals to express their opinions and implement their policies, all of our problems would go away. And the liberals accuse conservatives of intolerance. (Senator Kerry from Mass. recently said that 3000 teenagers will die each year if the Tobacco Bill is not passed (it didn't) and everyone who voted against it would be responsible for their deaths).

This reminds me of the story of two friends traveling down the highway when the passenger says to the driver, "Can't you go any faster than this." So the driver speeds up--only to be ticketed by a State Trooper for speeding. The driver says, "See what you did, see the trouble you got me into?!" The passenger responded, "You damn fool--you didn't have to listen to me." But to a liberal the passenger should have received the ticket because he *"inspired"* the excessive speed. This "logic" was tried back in the garden of Eden when Adam blamed Eve for *"inspiring"* him to eat the forbidden fruit. It didn't work then and it doesn't work today. It is, quite literally, the oldest--and lamest--argument in the world.

The three years Akins spent in the militia movement for his doctoral dissertation was a total waste of time because of his bias. In 'The World According to Akins,' Robertson, Gingrich, Helms and Limbaugh would be serving life terms in prison and McVeigh and Nichols would be walking the streets. This guy

is a looneytoon. (Speaking of looneytoons, consider the next article).

## **"GUN MAKERS ARE RESPONSIBLE FOR DEATHS"**

So reads the headline of an article by Professor Christopher Pyle in the *Home News Tribune* June 29, 1998. The sub-headline reads: *"Like Cigarette Merchants, Morally Bankrupt Manufacturers Are Ignoring The Dire Effects Of Their Products."*

Needless to say the article is a rabid anti-Second Amendment piece of tripe and is about as nonsensical as the previous article about Akins.

Pyle quoted Ed Shultz, president of Smith & Wesson, as saying, *"Years ago we were looked on as a company that ensured people's freedom. Now we're looked on as a company that perpetuates the means for bad things to happen. How we got from there to here I'm not sure. We're the same people."*

That's true, they are the same people, and how they got from "here" to "there" is the result of a never-ending barrage of anti-Second Amendment articles by the liberal media, not to mention the bias of anti-constitutional politicians and courts.

If gun manufacturers are responsible for what criminals do with firearms then who is responsible when they escape by automobile, without which many crimes today would not succeed. If you study the history of the Old West, the Jesse James and Butch Cassidy gangs were successful at robbing banks because of their fast horses. John Dillinger, the bank robber, once wrote a letter to the Ford Company in which he stated that he only stole Fords because they could outrun the police. Ford went so far as to make reference to the letter in one of their TV commercials. Can you imagine what liberals would say if Smith & Wesson used a testimonial from Dillinger about the quality of their revolvers? The bottom line is Smith & Wesson is no more liable than Ford if their product is used in a crime. Saying that guns inspire crime is like saying that automobiles inspire drunk driving.

Pyle continues, *"...moral degradation happens to people who do not pay attention to the consequences of their conduct."* No, he's not referring to people who commit crimes with guns, he's referring to the gun manufacturers. So, in Pyle's way of thinking, firearms manufacturers are "moral degenerates." Pyle says nothing--absolutely nothing--about criminals who *"pay no attention to the consequences of their conduct."* Those "consequences" are placed upon firearms manufacturers. Typical liberal.

Pyle, however, goes even further in his demonization of the industry, *"No. Smith & Wesson's president is not a good guy anymore. He and his industry are gun*

*pushers, [and gun owners are addicts] and they pose as much a threat to public health as cigarette makers or drug cartels."*

But, in the 'Gospel' according to Pyle, salvation is available for the reprobate Mr. Shultz: *"To be a good guy, Shultz would have to make fewer guns and redesign the weapons he makes to contain integral combination locks and load indicators. He would have to stop marketing the Lady Smith revolver to suburban women, exploiting their fear of urban crime."* The list of penances goes on, but you get the idea. Pyle has an identical mind-set as Akins: Smith & Wesson "inspires" criminal activity by simply manufacturing handguns. If Pyle can prove, historically, that murder, robbery, rape, genocide and a host of other crimes were nonexistent before the advent of firearms he'd have a good argument.

His thesis, however, is so flawed it's totally absurd: People, who have freewill and choice, are basically good, whereas firearms, which are inanimate objects, are evil, or make people evil. Pyle failed to explain how and why the tens of millions of Americans who own firearms never commit crimes. A small oversight by our learned professor.

Closing note: To make matters worse, Pyle *"teaches politics at Mount Holyoke College in South Hadley, Mass.,"* which means he's teaching this crap to his students.

## **THE POLLS ARE IN QUESTION**

Are We headed For A New World Order?

President Clinton recently signed E.O. #13083 entitled "Federalism." That document effectively gives authority to the federal government to force anything it wants on states. No effort was made by anyone in Congress to overturn the E.O. The executive order apparently sets the stage for the federal government to dictate anything it wants to the states. Compliance will be mandated and states rights will be a thing of the past. Are we headed for a "One World Government" or a "New World Order?"

### **ANSWERS**

A) I think that Executive Order 13083 was designed to maintain control and national security, and not to force anything it wants on states. There is no such animal as a "One World Order" or a "New World Order."

9% chose A.

B) I think Executive Order 13083 is the first of many formal steps to effectively give authority to the federal government to force anything it wants on states. We definitely are headed for a "One World Government" or a "New World Order."

60% chose B.

C) I think that this order is designed to keep radicals such as extreme militia groups in check, and nothing more. The media is once again taking us for a ride.



9% chose C.

D) None of the above reflects my opinion.

22% chose D.

Source: ParaPoll

## TWO GOVERNMENTS IN ONE

"The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on the external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.

"The operations of the federal government will be most extensive and important in times of war and danger; those of the State governments in times of peace and security." --James Madison, *The Federalist Papers* #45.

This was the original intent of the Framers of the Constitution. Today, with its staggering volume of regulations and statutes (not to mention E.O. # 13083, "Federalism", mentioned above) the federal government has usurped the role of the States. Today, our "ordinary course of affairs, lives, liberties, properties, internal order, improvement, and prosperity" are increasingly coming under federal control. If you think that's an exaggeration, consider Section 1, paragraph (b), of E.O. 13083: "*The people of the States are at liberty, subject only to the limitations in the Constitution itself or in Federal law, to define the moral, political, and legal character of their lives.*"

Pres. Clinton must be suffering from a 'Messiah Complex' (or a 'Nero Complex') if he thinks the Constitution grants the Executive the power to "define the moral character of [our] lives".

To put it another way, it's now immoral to disobey federal law—who said you can't legislate morality? Now consider that our judiciary defines the constitutionality of federal law. We all know what the Supreme Court has done to the Constitution over the years via misinterpretation, and now they're going to decide what's "moral?"

If that weren't enough read Section 3, Paragraph (b): "*Agencies [That's spelled u-n-e-l-e-c-t-e-d b-u-r-e-a-u-c-r-a-t-s] may limit the policymaking discretion of States and local governments only after determining that there is constitutional and legal authority for their actions.*" Not only do the courts decide what's constitutional; now federal agencies, which lack any legislative or judicial authority whatsoever, are grasping for the same powers usurped by the courts. Federal agencies now have dictatorial powers over State governments and our individual lives. And remember, fellow

patriots, it's "immoral" to disagree with federal policies.

The Constitution was never intended to serve as a moral compass for Americans. Where Clinton got that screwball idea is anyone's guess. The Constitution was ratified, first, to grant the federal government certain enumerated powers, mostly involving international or "external" affairs, as Madison puts it. Secondly, it restrains and limits the power of the federal government with regard to individual and State's rights. The powers granted to the federal government are "*few and defined*." Today however, they're so numerous and ambiguous that they are virtually indefinable, sometimes requiring the courts to spend years figuring out what the "law" says.

Closing Note: When God gave Moses the Law on Mt. Sinai it dictated the "moral, political, and legal" responsibilities of the Israelites. Until Clinton can prove that the words contained in E.O. 13083 were spoken to him from a burning bush, we have to conclude that this guy is losing it.

## Letters

Hi,

I saw your ad in the June issue of *The Patriot* and sent for your newsletter. I was very impressed and would like to be on your mailing list. I've enclosed \$10 cash.

I have strong right-wing political views, and am really hard pressed to find others who think like me, here. I know it's just this area—which is very liberal (and corrupt). I've come to rely on the Internet for my contacts.

You folks are obviously doing a good job, but you need to expand and infiltrate the hard-core liberal bastions.

Carol H.

Bergen County

P.S. Please don't include me as representative of the Web "Girls and Guns" survey. And, yes, I am a blond.

**Editor's note:** We wouldn't mind cracking those liberal bastions; but with PhD. candidates like J.K. Akins ("Liberal Ideology at Its Best", this issue) we've got a tough row to hoe.

## NEW JERSEY MILITIA CONSIDERED A "SECURITY GROUP THREAT"

Greetings,

On May 21, I received a Notification of Rejection of Mail. This said that mail was sent to me by a "Security Threat Group." "Militia." It seems that any mail from, or that speaks of Militias will be rejected. No one can tell me other than this why this is. The ACLU is investigating this and might file suit on this soon. I see no reason why mail should be rejected. This is a censorship of information in violation of the First Amendment.

I have tried to appeal this but have received no response. Could you write a formal letter of protest? The superintendent is Eugene E. Atherton and can be reached at my address. The person who is receiving this for the ACLU is Mark Silverstien @ ACLU, 400 Corona St. Denver, CO, 80218.

I'd appreciate any letter or info you could send. I am trying to fight this. We both have a right to send and receive information that is not a threat to security. Even objectionable information, views officials disagree must be allowed to be received. Mr. Tom Johnson, who rejects my mail, is a victim of misinformation and propaganda. These people are so closed-minded and will not listen to reason or the truth. I look forward to hearing from you.

D.W.

BVCF, Buena Vista, Colorado

## Letter to a Governor

Governor Christine Todd Whitman

The State House

Trenton, New Jersey 08625

Dear Governor Whitman,

On April 22, 1998, the State Police, the Bureau of Alcohol, Tobacco and Firearms and other law enforcement agents battered down an Ocean County family's door during a "dynamic entry" raid, apparently because the father allegedly had provided false information on a firearms application. Further, I read an account of another raid where a police force again used "dynamic entry" to enter a family's home for a drug raid. Not only were no drugs found, but a retarded 14 year girl was pulled from her bath, naked, while her parents pleaded for her not be hurt by law enforcement.

Beyond the fact that you and I are the leaders of our political parties, we are women, mothers, and citizens, with a sense of ourselves and the society which has given us a political voice to be used for the greater good. I personally dislike bullies, especially bullies with the power of the state behind them. My family, like so many other Jews, lost entire sections of our family in Europe to jackbooted agents of the state enforcing racist laws.

Should our present laws be observed? Of course. But where is the appropriate use of the due process which protects all our families from a violation of paperwork. As mothers, we know that some kids like to play cops and robbers with more authority than others. It is also our responsibility as political leaders to correct the inappropriate behavior of adults who may forget that they are not empowered to place themselves or citizens at needless risk of harm or death.

The Ocean County incident raises a number of questions, and I ask you to respond to their implications:

1. Why was the most dangerous method of addressing a paperwork violation used?



2. Why was the use of guns permitted in a home, where the police and other agents might shoot someone, instead of confronting the father on the street?

3. What was the cost of raiding and destroying a citizen's home, using the law enforcement personnel from three different agencies?

4. Why was the Ocean County Sheriff, an elected official, excluded from the raid?

I would like you to personally look into this matter. Further I would like to review the State Police training manual and curriculum, all of which are public documents.

Janice Presser, Ph.D.

Chair, New Jersey Libertarian Party

## Presbyterians Asked to Remove Guns

Leaders of the Presbyterian Church (U.S.A.) have asked members to remove handguns and assault weapons from their homes.

The gun resolution was approved by a more than 3-to-1 majority at the General Assembly, *The New York Times* reported June 20, 1998. The resolution comes after recent fatal shootings at schools nationwide. It urges members to develop "community strategies and create sanctuaries of safety for our children."

—Associated Press

## BUYING TESTIMONY...NOT!

An AP release reported, "A federal appeals court ruled that it is illegal for the government to promise leniency to witnesses in exchange for testimony..." The 3-0 ruling came down from the 10th U.S. Circuit Court of Appeals concerning Michael Fortier's testimony against Timothy McVeigh in the Oklahoma City bombing trial. "Somewhere tonight there is indigestion in the Department of Justice," said McVeigh's former attorney Stephen Jones.

"This is a bombshell. This hits the government right where they live. This is how the government is operating, and we've said for 40 years, if you say to somebody in criminal trouble, 'I'll give you a free pass, or I'll let you go if you tell me the story I want to hear,' they'll tell you whatever they need to say to get out of trouble," said Denver defense attorney Larry Pozner.

Former U.S. attorney Mike Norton said that if the court's decision stands, "It will have a

tremendously negative impact on the government's ability to investigate and prosecute crimes by groups for conspiracy, drug trafficking, money laundering, securities fraud and health care fraud."

However, Circuit Court Judge Paul J. Kelly says offering deals to witnesses is a violation of federal law. Kelly, quoting the law, said anyone who "...gives, offers or promises anything of value [leniency has value] to any person for or because of testimony...shall be fined, or imprisoned for not more than two years." [Note: the U.S. Code he's referring to was not cited—Mike Brown, where are you?—Ed]

Kelly continued, "One of the very oldest principles of our legal heritage is that the King is subject to the law. King John was taught this principle at Runnymede in AD 1215, when his barons forced him to submit to Magna Carta, the great charter that imposed limits on sovereign power."

If you or I offer something of value for someone's testimony it's called witness tampering and we'd go to jail. The government on the other hand does it all the time and calls it justice. (Am I missing something here?)

Closing note: This comes a little late for Mafia boss John Gotti. The government offered Sammy "The Bull" Gravano immunity in exchange for his testimony against Gotti.

Gravano is free and walking the streets--despite the fact that he confessed to murdering 18 people!!! This is the government's definition of justice. This is the type of judicial policy the DOJ wants to maintain. This is ridiculous.

## TIME GUN POLL RESULTS

Do You Own A Gun?

Yes 51.78%

No. 46.71%

Should The U.S. Have Stricter Gun Laws?

Yes. 35.59%

No. 64.41%

Do You Believe That Allowing People To Carry Concealed Weapons Reduces Crime?

Yes. 64.23%

No. 37.76%

Do You Believe That U.S. Cities Should Sue Gun Manufacturers To Recoup Money Spent Dealing With Gun-Related Crime?

Yes. 35.31%

No. 64.68%

How Would You rate The Effectiveness Of The Brady Bill And The Assault Weapons In Preventing The Illegal Use And Distribution Of Guns?

Very Effective. 0.88%

Somewhat Effective. 0.55%

Somewhat Ineffective. 0.66%

Not At All Effective. 42.85%

Don't Know. 35.38%

(195,081 votes cast 7/12/98)

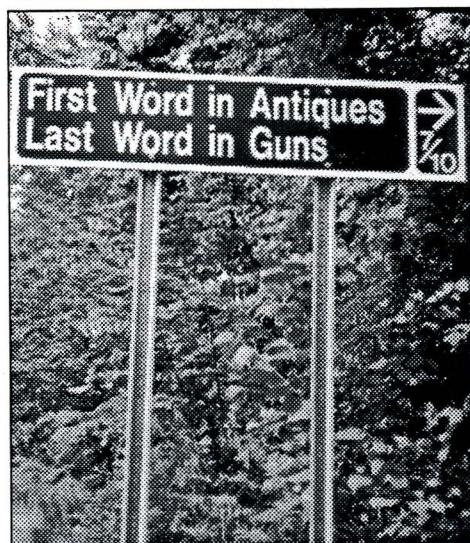
## LETTER

Dear NJM,

You may already know this, but I was looking up a word in the dictionary, and I came across the term "Bother Jonathan." Apparently it was first applied to the New England Militia besieging Boston and British soldiers were being driven from the city in March 1776. It can mean the United States or its people. It is a predecessor of Uncle Sam.

J.S.

Passaic County



Patriot Quiz: Can any of our readers tell us which gun freedom State posts roadside signs such as the one above?

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